

RULE CR-18. PLACE OF TRIAL WITHIN DISTRICT

(a) Division in Which Prosecution and Trial May Occur.

- (1)** Unless a statute, other rule, or court order requires otherwise, the government may prosecute a case in any division in the district in which the offense was committed, in whole or in part.
- (2)** The court may fix trial in:
 - (A)** any division within the district consistent with Federal Rule of Criminal Procedure 18; or
 - (B)** any other division within the district, if the court is satisfied that there exists in the division where the prosecution is pending so great a prejudice against the defendant that the defendant cannot obtain a fair and impartial trial.

(b) Multiple Offenses. In cases involving multiple offenses joined for trial under Federal Rule of Criminal Procedure 8(a), the court may fix the place of trial in any division in which any one of the joined offenses may be tried.

(c) Multiple Defendants. In cases involving multiple defendants joined for trial under Federal Rule of Criminal Procedure 8(b), the court may fix the place of trial in any division in which any one of the joined defendants may be tried.

Committee Notes

1. Rule CR-18 is a new rule that prescribes procedures for fixing the place of trial within the district.
2. Subsection (a)(2) does not limit the court's duty or discretion to transfer a proceeding to another district, as provided by Fed. R. Crim. P. 21(a). Subsection (a)(2)(B) is intended to clarify a specific circumstance in which transfer to another division may be required for the "prompt administration of justice" provided by Fed. R. Crim. P. 18.
3. Subsections (b) and (c) are not intended to affect or limit the court's discretion to sever as provided by Fed. R. Crim. P. 14.
4. The Committee contemplates that when a case is assigned for trial in another division, the clerk will cause the case to be assigned to a district judge in the transferee division in accordance with the plan for the random assignment of cases, unless the transferring judge orders that he or she will continue to handle the case after transfer.